REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. At the time of the outstanding Office Action, claims 1-17 were pending for examination. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Prior Art Rejections:

Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyden in view of U.S. Patent Application Publication 2002/0116305 to Abhyanker (hereinafter "Abhyanker"). Applicant respectfully traverses this rejection for at least the following reasons.

Independent claim 1 recites: "said server being configured to calculate, with respect to a charge to be paid to a distributor entrusted with the delivery of the delivery charge bearing object commodity and a charge to be paid to a distributor entrusted with the delivery of the auction commodity, the amount of the delivery charge to be borne in accordance with prices of the delivery charge bearing object commodity and the auction commodity, and configured to perform a sales process based on the calculated amount of the delivery charge to be borne." Independent claims 2, 7, 10, 13 and 16 recite analogous features.

The Examiner correctly asserts that Boyden fails to teach this feature of the invention as claimed. Rather, the Examiner relies on Abhyanker to teach "said server being configured to calculate, with respect to a charge to be paid to a distributor entrusted with the delivery of the delivery charge bearing object commodity and a charge to be paid to a distributor entrusted with the delivery of the auction commodity, the amount of the delivery charge to be borne in accordance with prices of the delivery charge bearing object commodity and the auction commodity, and configured to perform a sales process based on the calculated amount of the delivery charge to be borne." Specifically, the Examiner relies on the Abstract and paragraphs 0014 and 0041 of Abhyanker to teach this feature. The abstract of Abhyanker teaches, with emphasis:

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"A method for aligning financial and logistical flows within a business to business internet exchange portal is disclosed. The method of the present invention includes the steps of facilitating an auction on the portal between a buyer and a seller; **collecting a set of shipping data for a contract** entered into between the buyer and seller resulting from the auction; **soliciting bids for shipping services** required by the contract; **receiving a set of shipping bids**; and **selecting a bid** from the set of bids according to a predetermined set of bid evaluation criteria."

Thus, Abhyanker teaches that a bid for shipping is selected from a variety of bids that are solicited. Abhyanker further teaches the advantage of soliciting shopping bids in paragraph 0014. Paragraph 0041 provides details regarding the shipping information and calculation of the date that the auction fee may be collected:

"In step 318 , the portal 202 generates an invoice for the auction fee and submits the invoice to either the seller or the buyer upon occurrence of the consummating event. Thus, since the **shipping information includes the consummation event, the portal can determine with certainty a date after which the auction fee may be collected**. This significantly reduces administrative resources required by the portal 202 for fee collection, and thus gives the portal 202 an opportunity to lower its commissions." (paragraph 0041, with emphasis)

However, none of these paragraphs, or any other portion of Abhyanker teach performing a sales process while taking into account the calculated delivery charge to be paid in accordance with the price of the delivery charge bearing object commodity and the auction commodity, such that the calculated delivery charge takes into account the amount to be paid two distributors. Rather, Abhyanker teaches that bids are solicited for a shipping charge. There is no teaching or disclosure of performing a sales process that takes into account a delivery charge. Rather, the bids for shipping are for an object to be shipped, for which the buyer and seller have already

entered into a contract. (Abstract). Thus, Abhyanker fails to teach or disclose "said server being configured to calculate, with respect to a charge to be paid to a distributor entrusted with the delivery of the delivery charge bearing object commodity and a charge to be paid to a distributor entrusted with the delivery of the auction commodity, the amount of the delivery charge to be borne in accordance with prices of the delivery charge bearing object commodity and the auction commodity, and configured to perform a sales process based on the calculated amount of the delivery charge to be borne."

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole. As mentioned above, Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date ___9/13/2008___

By _____

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